



Clark County Environmental Ordinances & Wetland Inventory Updates Open House Summary

Clark County (County) hosted a public open house on January 11, 2005, from 4:00 p.m. to 7:00 p.m. at Dollars Corner Fire Station, 21609 NE 72nd Avenue in Battle Ground, Washington. Forty individuals signed in as attendees (see Appendix A—Open House Sign-In Forms). The purpose of the open house was to discuss the various studies taking place concerning updates of the County's environmental ordinances, and to gather input from interested citizens.

The exhibits available for viewing included:

- Public process overview
- Project purpose and need
- Map of local wetland inventory—known and predicted
- Wetland ordinance overview
- Floodplain ordinance overview
- Map with county-wide floodplains
- Geohazard ordinance overview
- Map with regulated geo-hazard areas
- Critical aquifer recharge areas (CARA) ordinance overview
- Map with CARA wells and zones of contribution
- Habitat ordinance overview
- Map showing environmental constraints in the Dollars Corner area
- How the public can become further involved

County employees were available to answer questions. These staff members included:

From the Public Works Department:

- Linda Small, Capital Project Manager II

From Weed Management Department:

- Phil Burgess, Weed Management Director

From the Community Development Department:

- Brent Davis, County Wetlands Biologist
- Gordy Euler, Long Range Planner
- Dave Howe, County Habitat Biologist
- Ali Safayi, Engineer II

And:

- Brad Murphy, Wetland Specialist, Washington Department Of Ecology
- Bob Pool, County Geographic Information System Manager
- Joel Rupley, Endangered Species Program Coordinator
- John Tyler, Program Analyst

Presentation:

Karyn Criswell, The JD White Company, Inc. (JDW), introduced county staff project team and turned the presentation over to Gordy Euler, who described the critical areas ordinance update project.

Critical areas are special areas the Washington State Growth Management Act (GMA) requires cities and counties to designate and protect. These areas include wetlands, flood hazard areas, geologic hazard areas, fish and wildlife habitat, and critical aquifer recharge areas.

Critical areas, their characteristics, and the challenges they present include:

- Wetlands, which help control flooding, replenish groundwater, improve water quality, and provide habitat for plants and animals.
- Flood hazard areas, which are prone to flooding.
- Geologic hazard areas, which have steep slopes and unstable soils and are prone to landslides and erosion problems.
- Fish and wildlife habitat, which is identified by the state as critical or important, and may include habitat for threatened or endangered species.
- Critical aquifer recharge areas (CARAs), which are areas around water supplies that serve more than 25 people or have 15 or more service connections.

Linda Small then discussed the update of the County's Wetlands Inventory. In order to protect wetlands and comply with existing federal, state, and local regulations pertaining to wetlands, floodplains, and water quality, the County wants to be sure that landowners, local jurisdictions, developers, and agencies have current and complete information on wetlands and the functions they perform. Therefore, the County is undertaking this major planning project to develop a Regional Wetlands Inventory that will be more accurate than the National Wetlands Inventory databank.

Updating the Wetlands Inventory includes:

- Preparing a computer model to indicate the location of likely wetlands within the County
- Assessing the accuracy of the model and verifying wetland locations through fieldwork
- Identifying which functions are performed by individual wetlands
- Developing a strategy for maintaining and enhancing wetland functions consistent with economic growth

Joel Rupley then discussed ordinance changes pertaining to the Endangered Species Act (ESA). In November 2004, the ESA Advisory Committee transmitted its recommendations for amendments to the Clark County development code to the Board of County Commissioners. The recommendations were specific to development and clearing activities. In addition, recreation and governmental operations also affect salmon and their habitat. To assist salmon

recovery, all of these actions need improvement as identified in the Lower Columbia Fish Recovery Board's (LCFRB) draft recovery plan. The Committee recommends that the Board adopt a plan to address the issues that are within County control and the scope of the LCFRB plan. The County plan also could be part of a County/National Marine Fisheries Service (NOAA Fisheries) agreement providing legal assurances to the County and specifying implementation actions on the part of both the county and NOAA Fisheries.

The Committee recommends the following changes to the County development code to meet NOAA Fisheries' Municipal, Residential, Commercial, and Industrial development (MRCI) requirements:

- Insert a code section requiring Best Management Practices (BMPs) to address identified impacts on habitat functions and values when exceptions allow development in habitat areas, wetlands, or wetland buffers.
- Adopt and implement the Washington Department of Ecology's (DOE) Western Washington Stormwater Manual or equivalent along with the updated National Pollutant Discharge Elimination System (NPDES) permit.
- Revise the Wetlands Protection Ordinance to conform to state DOE guidelines or equivalent when available.
- In cases where a development project is separated from any water by a roadway, increase habitat area from 100 to 150 feet from the stream.
- Pay special attention to new stream crossings by roads or utilities to assure the need for the crossing, and utilize the Washington Department of Fish and Wildlife's crossing standards.
- Identify any area with limited protections for channel migration zones and potential buffers.
- Require use of native plants in habitat areas and public rights-of-way, and publish a guide to native plant communities specific to Clark County.

Develop a cumulative effects program that will address issues that compound as build out within a watershed occurs. The program should include:

- Upgrading the stewardship plans section in the Habitat Conservation Ordinance and offering open space taxation relief or rate reductions.
- Establishing a cumulative effects fund for each watershed.
- Establishing habitat banks where appropriate and allowed.
- Requiring development projects to maintain existing watershed-wide forest cover percentages.
- Designing a County program for monitoring, reporting, and adaptive management that measures habitat parameters and fish recovery, then reports progress and recommends changes.
- Using the regional LCFRB recovery plan and monitoring data as a resource to guide revisions of the Comprehensive Plan.
- Using non-monetary credits as incentives for landowners to exceed mitigation requirements.
- Limiting effective impervious surfaces in rural developments to 10% or less of the area.

- Enforcing habitat, wetlands, and shorelines environmental protection ordinances.

In addition to regulation, tools such as habitat restoration, education, and outreach are necessary.

The process for revising the Habitat Conservation Ordinance will include using public input to help develop code language that addresses the recommendations of the Advisory Committee.

Question and Answer:

A question and answer session followed the County's presentation.

Question: What are wetland mitigation sites?

Answer: Linda Small responded that mitigation sites are those areas that can be utilized as wetlands, which are then converted as a means of replacing lost habitat.

Question: Do public or private wetland banks exist in Clark County?

Answer: Linda Small responded that both public and private wetland banks exist in Clark County, although no formal banking activities have taken place.

Question: Can land that has been excavated be further excavated for the purposes of additional mitigation?

Answer: Linda Small responded that a number of factors would determine whether it would be feasible, however, it would be safe to assume that it would not be viable. Brad Murphy from the Washington Department of Ecology confirmed it would not be feasible.

Question: Does wetland mitigation work?

Answer: Linda Small responded that there has been scientific scrutiny as to whether isolated mitigation is beneficial and wetland banking is gaining increased attention as a viable and beneficial approach to mitigating when avoiding wetlands is not possible. Brent Davis added that many isolated mitigation sites in Clark County have not performed as well as expected.

Question: Are mitigation measures federally regulated?

Answer: Linda Small responded that yes, many of the aspects of mitigation are federally regulated as well as regulated by the state and local governments.

Question: Washington Department of Natural Resources has developed, with the help of public input, a number of regulations pertaining to forest lands. Will the ESA code changes mirror those regulations?

Answer: Joel Rupley responded that fish require basic forms of good habitat. Different types of habitat are affected differently and the ordinance changes will reflect that. Development regulations will be somewhat different from forestry regulations.

Question: Will the ESA code changes be another layer of regulations for owners of timberland?

Answer: Joel responded that the code changes pertain primarily to development and will not be another layer for forestry.

Additional Comments:

Mary Ann Simonds, Clark County ESA Advisory Committee member, stated that the purpose of updating the ordinances is to develop guidelines in order to protect and highlight critical areas that are rapidly disappearing in the County. The challenge of developing such policy is to provide incentives for doing things right, and prevent deleterious activities.

Gordy Euler summarized the next steps. The county is asking for public comment on the CARA, flood hazard, and geohazard ordinances, and on the ESA Advisory Committee recommendations. A work session will be held with the Board of County Commissioners about updating the wetlands ordinance once the Department of Ecology issues its final wetlands management recommendations.

Two public comments were received and are attached verbatim in Appendix B—Public Comments Submitted.

Appendix A—Open House Sign-In Forms

Appendix B—Public Comments Submitted